



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**MEMORANDUM**

**TO:** THE COMMISSION  
STAFF DIRECTOR  
GENERAL COUNSEL  
FEC PRESS OFFICE  
FEC PUBLIC DISCLOSURE *MWD*

**FROM:** COMMISSION SECRETARY

**DATE:** OCTOBER 3, 2006

**SUBJECT:** COMMENT ON DRAFT AO 2006-24

Transmitted herewith is a timely submitted comment by William McGinley, General Counsel, National Republican Senatorial Committee, and Marc Elias, Counsel to the Democratic Senatorial Campaign Committee, regarding the above-captioned matter.

Proposed Advisory Opinion 2006-24 is on the agenda for Wednesday, October 4, 2006.

**Attachment**

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 OCT -3 A 11: 10

October 3, 2006

By Facsimile

Lawrence M. Norton, Esquire  
General Counsel  
Ms. Mary Dove  
Commission Secretary  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: Comments of the National Republican Senatorial Committee and Democratic  
Senatorial Campaign Committee on FEC AOR 2006-24

Dear Mr. Norton and Ms. Dove:

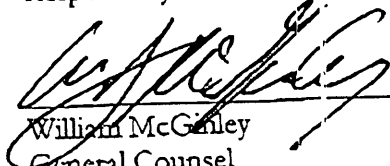
The National Republican Senatorial Committee ("NRSC") and the Democratic Senatorial Campaign Committee ("DSCC"), through counsel, submit these comments on the draft Advisory Opinions circulated by the Office of General Counsel ("OGC") on September 29, 2006, in response to Advisory Opinion Request 2006-24 ("AOR 2006-24"). The OGC circulated two drafts reaching different holdings concerning recount funds established by Federal candidates and State party committees.

Initially, the NRSC and DSCC thank the Commissioners and OGC for producing the draft Advisory Opinions in a timely manner during this busy election period.

After reviewing OGC's two draft Advisory Opinions, the NRSC and DSCC urge the Federal Election Commission ("Commission") to adopt Draft B. As explained in response to Question 1 in Draft B, the Commission, relying on the language of the Act, promulgated regulations and issued Advisory Opinions before the enactment of the Bipartisan Campaign Reform Act of 2002 ("BCRA") providing that Federal candidates may raise monies in unlimited amounts from individuals and PACs for recount purposes. These Commission actions and precedents were well known to Congress when it debated and voted on BCRA. There is no indication in the plain language of BCRA, or its legislative history, that Congress intended the soft money ban to apply to recount funds. Moreover, the Commission reaffirmed its recount regulations after BCRA's enactment. This means there is no legal justification for changing the Commission's longstanding precedents on recount funds. Therefore, the NRSC and DSCC urge the Commission to adopt Draft B.

Please do not hesitate to contact us with any questions.

Respectfully submitted,



William McGinley

General Counsel

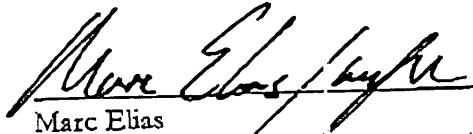
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